

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present: **Tmt.N.Renuga, B.A., B.L.,**

District Munsif, Sulur.

Thursday, the 19th day of September 2024

I.A. No.7/2024

in

O.S. No.125/2023

1. Kumaresan

2. Rajkumar

3. Arunkumar

...Petitioners / 1st to 3rd Defendants

//Vs//

1. V.Arumugam

2. A.Palanivel

...Respondents/Plaintiffs

This petition coming on 12.09.2024 for final hearing before me in the presence of Thiru.R.Prakash, Advocate for the Petitioners and Mrs.S.Suriyapriya, Advocate for the Respondents and upon perusing the records, this court made the following:

ORDER

This petition filed by the petitioners under section 151 of CPC to reopen the IA.No.2/2023 for the respondent side arguments.

1. The brief averments of the affidavit filed by the petitioners as follows:

1.1. The IA.No.2/2023 is posted today for orders. This court has granted time for petitioners/ 1st to 3rd defendants to file their written submission on or before 29.07.2024. The 1st petitioner is aged and he was suddenly unwell and the 3rd and 2nd petitioners was taking care of 1st petitioner for the last 20 days. Hence, the petitioners are not able to submit their written arguments in time before this court.

1.2. The Tamil Nadu Electricity Board has also fined the petitioner for wrong usage of well agricultural electricity connection for the commercial purpose. The documents related to the orders passed by the Tamil Nadu Electricity Board are very vital documents to this case. Hence, to produce those documents on petitioners/ 1st to

3rd defendants side in the above and to make oral and written arguments, the IA.No.2/2023 has to be reopened. Hence, the petition.

2. The brief averments of the counter filed by the Respondents as follows:

2.1. The petition is false, frivolous, vexatious and unsustainable in law and on facts. As against order passed by the Tamilnadu Electricity board the respondents/plaintiffs have filed appeal before the Engineer TNEB on 02.12.2024. Further this respondent/plaintiff have insisted to take action on the said application as reminder on 07.08.2024. Hence, there is no connection between the order of Tamil Nadu Electricity Board and in this application and the case need not to be reopened. Hence, this petition is to be dismissed.

3. Points for consideration:

Whether the petition under section 151 of CPC to reopen the IA.No.2/2023 for the respondent side arguments is to be allowed?

4. Points :

4.1. Heard the counsels for both the parties. The IA.No.2/2023 is posted for orders on 09.08.2024 on the same day the petitioners/ 1st to 3rd defendants filed this petition to reopen for respondents side arguments. The petitioners had filed their written statement and adopt it for counter in IA.No.2/2023 and the main suit is in the stage of framing of issues. This being the trial court, have to given opportunity to both sides to elucidated both side case before this court. Further this being the temporary injunction petition, this court must considered both side enquiry and documentary evidences. Hence, this court thinks an opportunity can be given to the petitioners/ 1st to 3rd defendants to their side arguments.

In the result this petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 19th day of September 2024.

Sd/N.Renuga
District Munsif,
Sulur.

List of witnesses and document on petitioners side:

Nil

List of witnesses and documents on Respondents side:-

Nil

Sd/N.Renuga
District Munsif,
Sulur.

Draft/ Fair Order
I.A.No.7/2024 in
O.S.No.125/2023
Dated : 19.09.2024
DMC, Sulur.